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OFFICE OF THE DIRECTOR
TC 3600

Kenyon & Kenyon
1500 K Street, NW
Suite 700
Washington, DC 20005-1257

In re application of
Michael E. Graves
Application No. 09/818,084
Filed: March 26, 2001
For: AUTHENTICATED PAYMENT

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on September 9, 2002, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms.
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided.
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

The request to withdraw as attorney is not accepted in the above-identified, application because the request lacks condition D) above. Even though you state that the client has instructed you to have the application prosecuted by another law firm, the applicant or patent owner must have been notified of your request to withdraw as attorney.

In summary, the request is **NOT APPROVED**.



Steven N. Meyers, Special Programs Examiner
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SM/dw: 10/01/02